

Inventors : Michael D. Ellerman
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REMARKS

Claims 1-15 are pending in the application. Claims 1, 9 and 14 are amended and claim 15 is added to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicant respectfully traverses the rejections under 35 U.S.C. 102 and 35 U.S.C. 103 as conceivably applied to the amended claims.

I. Interview

Applicant thanks Examiner Avery for the courtesies extended to Applicant's attorney during the personal interview on April 24, 2006. During the interview, proposed amendments to the independent claims were presented to the Examiner. The proposed amendments recited that the hood panel and the fender panels define an enclosed chamber between the first and second attachment points. The examiner agreed that these amendments would define over the applied Garrity reference, but additionally stated that they would not define over U.S. Patent 6,938,715 to Hamada, which was not applied in the Official Action, and which Applicant's attorney saw for the first time at the interview. Various amendment options were discussed for defining over Hamada, including the fact that the hood of the present invention has an arcuate shape. Claim 15 is added to present that subject matter.

II. Invention Summary

The present invention is directed to a vehicle hood assembly including a hood panel and a pair of fender panels attached to opposing sides of the hood panel. Each of the fender panels is fixedly secured to the hood panel at a first location and a second location. Each of the fender panels form an enclosed chamber with the hood panel.

III. Art Rejections

A. Section 102 Rejection Based on Garrity

As originally filed, claims 1-7 and 9-14 were rejected under 35 U.S.C. 102 on the basis of U.S. Patent 2,793,705 to Garrity.

Garrity discloses a bug deflector that attaches over the front portion of a vehicle hood. As shown in Fig. 3, the bug deflector 22 includes extensions 46 that extend beyond the hood panel 14 to overlap a portion of the fender panels 26. As further shown in Fig. 3, the edges of the hood panel 14 are formed into box-shaped rims 20 that seat and fit on the side edges 24 of the fender panels 26.

As agreed upon during the interview, with respect to amended independent claims 1, 9 and 14, Garrity does not disclose an enclosed air chamber between the hood panel and the fender panel in between a first attachment point and a second attachment point.

Because Garrity does not disclose every element of amended independent claims 1, 9 or 14, Applicants submit that the Section 102 rejection based on Garrity is overcome, and/or should be withdrawn.

B. Section 103 Rejection Based on Garrity

As originally filed, claim 8 was rejected under 35 U.S.C. 103 as being unpatentable over Garrity.

Applicants submit that Garrity, either alone or on combination, does not disclose, teach or suggest anything that would overcome the above noted inadequacies with respect to the amended independent claims. In particular, Garrity does not disclose, teach or suggest an

enclosed air chamber between the hood panel and the fender panel in between a first attachment point and a second attachment point. Claim 8 depends from independent claim 1, and is therefore even more clearly allowable.

Because Garrity does not disclose, teach or suggest the subject matter of amended independent claim 1, from which claim 8 depends, Applicant submits that the rejection under 35 U.S.C. 103 is overcome and/or should be withdrawn.

C. U.S. Patent 6,938,715 to Hamada

As noted above, Hamada was not applied in the Official Action, but was identified by the Examiner in the personal interview. The Examiner asserted that Hamada discloses an enclosed air chamber between a hood panel and a fender panel. A number of differences between Hamada and the present invention were discussed, including the shape of the hood panel of the present invention and the location of the attachment points of the present invention. The Examiner indicated that “either suggestion would define over Hamada et al.” As noted above, claim 15 is added to recite the shape of the hood panel.

Upon additional review of Hamada after the interview, Applicant believes that the above noted amendments are not necessary to define over Hamada. As shown in Fig. 5, Hamada discloses a hood 26 (including panels 30 and 32) that is not fixedly attached to the fender panel 58. In fact, the hood 26 cannot be fixedly attached to the fender panel 58, because the hood 26 must be able to open, as shown in Fig. 4. As described in Hamada, the heat insulator 70 may be attached to the *apron* 28 to seal the gap between the apron upper member 28 and the hood 26. Col. 5, lines 21-25. However, the heat insulator is not attached to the hood 26. Independent

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claims 1, 9 and 14, are amended to clarify that the fender panels of the present invention are fixedly attached to the hood panel at a first location and at a second location. Because Hamada does not disclose fender panels fixedly attached to the hood panel at a first location and a second location, Applicant submits that the amended independent claims defined over Hamada.

D. Dependent Claims

The dependent claims are even more clearly allowable. Claims 2 and 12 recite that the fender panels are L-shaped between the first and second attachment points. Claim 3 recites that the chamber between the L-shaped sections of the fender panels and the lateral portions of the hood panel forms an air channel. Claims 4 and 11 recite that the chamber has a generally box-shaped cross section. Claim 5 recites that the L-shaped section of the fender panel includes at least one step. Claim 6 recites that the hood panel and the fender panels are plastic. Claim 7 recites that at least one of the first and second attachment points comprises a flange engaging a hook tab. Claim 10 recites that the fender panel includes at least one step between the first and second attachment locations. Claim 13 recites that the chamber forms an air channel.

CONCLUSION

In view of the interview, the amendments and these remarks, it is respectfully submitted that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

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Respectfully submitted,

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